

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



March 28, 2002

ALL-COUNTY LETTER NO. 02-30

TO: ALL COUNTY WELFARE DIRECTORS
ALL PUBLIC ADOPTIONS AGENCIES
ALL CDSS ADOPTIONS DISTRICTS OFFICES

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
☐ Federal Law or Regulation Change
☐ Court Order
☐ Clarification Requested by One or More Counties
☐ Initiated by CDSS

**SUBJECT: ASSEMBLY BILL 538 (CHAPTER 353; STATUTES OF 2001)
CHANGES TO FAMILY CODE SECTIONS 7630, 8919, 9001,
WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS 16005
AND 16010**

This All-County Letter is to inform you of the enactment of AB 538, effective January 1, 2002 which amends several Family Code Sections, as well as WIC Sections 16005 and 16010.

Changes to Family Code include the following:

- **Section 7630** - Requires a court paternity action to be consolidated with an action to terminate the parental rights of the father in an adoption proceeding, and to be heard in the county in which the action to terminate parental rights is filed, unless the court in the paternity action finds, by clear and convincing evidence, that transferring the paternity action to the other county poses a substantial hardship to the individual named in the proceedings. If the court determines that there is a substantial hardship, the consolidated action must be heard in the county in which the paternity action is filed.
- **Section 8919** - Provides that a child adopted through an intercountry adoption finalized in a foreign country may obtain a birth certificate in the State of California in accordance with the provisions of Section 103450 of the Health and Safety Code.
- **Section 9001** - Authorizes licensed clinical social workers or licensed marriage family therapists to perform stepparent adoption investigations, and to prepare and file reports and recommendations regarding stepparent adoptions to be considered by the court.

The California Department of Social Services does not regulate or oversee stepparent adoptions. Standards and criteria for stepparent adoption investigations are determined by counties.

Changes to WIC include the following:

- **Section 16005** – This new section is added to require that siblings be assigned the same social worker when there is a prospective adoptive family that intends to adopt the children as a sibling group, unless the local agency finds that assigning the same social worker is not in the best interest of the child or the siblings or the operation of the county office. If different social workers are assigned to members of a sibling group, the agency should document why the children were not assigned the same social worker in each child's case record.
- **Section 16010** – This section permits county child protective agencies to disclose to a prospective foster family more complete background information regarding an identified child if the family is also a prospective adoptive family that has undergone appropriate screening. As a result, prospective caregivers interested in taking a child into their home initially as a foster placement will be better informed, before a placement is made, about the child's history and background.

Specifically, Section 10610 explicitly authorizes a child protective agency to disclose more complete information if all of the following are met:

- The child protective agency intends to place the child with the prospective caregiver(s).
- The prospective caregiver(s) is willing to become the adoptive parent(s) of the child; and
- The prospective caregiver(s) has an approved adoption assessment or home study, a foster family home license, certification by a licensed foster family agency or per WIC Section 361.3, is a relative caregiver who has undergone the necessary home assessment and background checks as required by WIC Section 361.4.

In addition to the information that must be provided under this section, the child protective agency may disclose to the prospective caregiver placement history or underlying source documents that are provided to adoptive parents under Family Code Sections 8706(a) and (b). This disclosure will more fully inform prospective caregivers of a child's medical and social background before they decide to become foster parents, thereby reducing the potential for disrupted placements and emotional harm to the child.

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AB 538 – CHANGES TO FAMILY CODE

Current Child Welfare Services Manual of Policies and Procedures Division 31 regulations and the Adoption User's Manual will be amended to include the AB 538 changes.

For further information or clarification, please contact Francine Curtis-Smith, Permanency Policy Consultant, at (916) 322-6551.

Sincerely,
original signed by Syliva Pizzini
March 28, 2002

SYLVIA PIZZINI
Deputy Director
Children and Family Services Division